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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,485	09/30/2003	Jeong-Hee Lee	1594.1095D	1531

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EXAMINER

VAN, QUANG T

ART UNIT PAPER NUMBER

3742

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,485

Applicant(s)

LEE, JEONG-HEE

Examiner

Quang T Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/234,155.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

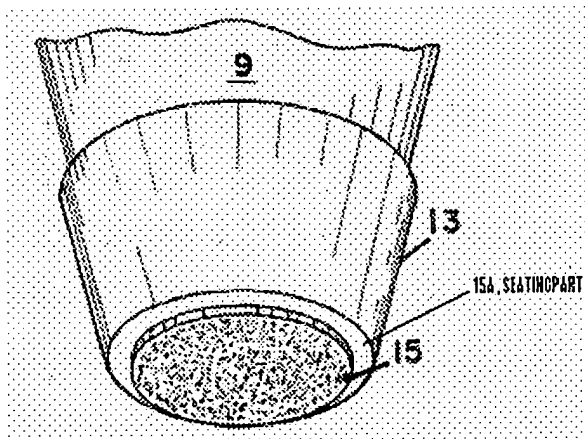
- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchanski et al (US 3,847,324). Uchanski discloses a non-tipping, disposable dishware having a saucer (13) comprising a cup seating part (15A, figure below) having a disc shape; and an engaging part (15) to removably engaging with a saucer holder (16) provided on the microwave oven.

NOTE: The phrase "provided on the microwave oven" broadly giving weight as the a cup seating part having a disc shape; and an engaging part to removably engaging with a saucer holder which capable provided on the microwave oven.



- Claims 1, 3, 5, 6-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (US 5,873,486). Morgan discloses a selectively mountable cup holder having a saucer (1) comprising a cup seating part (4) having a disc shape; and an engaging part (9) to removably engaging with a saucer holder (a mounting surface, col. 2, line 23) provided on the microwave oven.

NOTE: The phrase "provided on the microwave oven" broadly giving weight as the a cup seating part having a disc shape; and an engaging part to removably engaging with a saucer holder which capable provided on the microwave oven.

2. Claims 1, 3, 5, 6-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by McBride (US 5,186,350). McBride discloses an insulated beverage container holder having a saucer (12) comprising a cup seating part (47, col. 1, lines 29-33) having a disc shape; and an engaging part (42, or 48) to removably engaging with a saucer holder (a mounting surface S, or 54,56) provided on the microwave oven.

NOTE: The phrase "provided on the microwave oven" broadly giving weight as the a cup seating part having a disc shape; and an engaging part to removably engaging with a saucer holder which capable provided on the microwave oven.

3. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wemyss (US 6,305,656). Wemyss discloses a magnetic coupler having a saucer (12) comprising a cup seating part (46) having a disc shape; and an engaging part (30) to removably engaging with a saucer holder (14) provided on the microwave oven.

NOTE: The phrase "provided on the microwave oven" broadly giving weight as the a cup seating part having a disc shape; and an engaging part to removably engaging with a saucer holder which capable provided on the microwave oven.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McBride (US 5,186,350) or Wemyss (US 6,305,656) in view of Thomason (US 5,102,086).

McBride and Wemyss disclose substantially all features of the claimed invention except a helical thread or a helical groove interiorly formed on the wall of the saucer so that the saucer engages with the saucer holder when rotating the saucer over the saucer holder at a predetermined angle. Thomason discloses an adaptable cup holder having a helical thread or a helical groove interiorly formed on the wall of the saucer so that the saucer engages with the saucer holder when rotating the saucer over the saucer holder at a predetermined angle (figure 1,2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in McBride and Wemyss an adaptable cup holder having a helical thread or a helical groove interiorly formed on the wall of the saucer so that the saucer engages with the saucer holder when rotating the saucer over the saucer holder at a predetermined angle as taught by Thomason in order to secure the saucer to the saucer holder.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wemyss (US 6,305,656) in view of McBride (US 5,186,350). Wemyss discloses substantially all features of the claimed invention except a magnet layer or a magnetic layer provided at a predetermined portion of the saucer. McBride discloses a magnet layer or a magnetic layer (42) provided at a predetermined portion of the saucer (12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Wemyss a magnet layer or a magnetic layer provided at a

predetermined portion of the saucer as taught by McBride in order secure the saucer to the saucer holder.

Response to Amendment

7. Applicant's arguments filed 9/14/2004 have been fully considered but they are not persuasive.

Applicant argues "nothing in Uchanski discloses that the plate 16 is provided on a microwave oven like the claimed saucer holder, which is provided on the microwave oven as recited in claim 1" recited in a Response to the Action, page 6, filed on 9/14/2004. The Examiner disagrees. In the apparatus claim 1 claimed a structure of a saucer and a microwave oven structure is not claimed in the claimed limitations. Therefore, the term "provided on the microwave oven" recited in claim 1, lines 4-5 is not a part of the claim and only considered as an intended use and broader given weight such as any saucer, which meets the claimed limitations and as long as capable provide on the microwave oven, is anticipated the claim. Uchanski et al (US 3,847,324), McBride (US 5,186,350), Wemyss (US 6,305,656) are met the claimed limitations and also capable provided on a microwave oven and therefore, anticipated the claim.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

November 8, 2004



Quang T Van
Primary Examiner
Art Unit 3742